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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,713	10/29/2001	Johannes J. Mons	PHN 16-657A	5400

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

DINH, TAN X

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 05/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/039,713

Applicant(s)

MONS, JOHANNES J.

Examiner

TAN X. DINH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31-35, 40-45, 49-61, 63-65, 79-81 and 90-95 is/are allowed.
- 6) ☒ Claim(s) 36-39, 46-48, 62, 66-78 and 82-89 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1) The Terminal Disclaimer filed 4/14/2005 is acknowledged and recorded in the file. This Terminal Disclaimer has overcome the rejection of double patenting in previous office action. However, after reviewing the application, examiner discover that some of new claims have potential raise the issue of new matter. Following is new ground of the rejections.

2) Claims 36-39,46-48,62,66-78,82-89 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 36,46,67 and 83 recites " the master TOC are stored in respective consecutive predetermined portions of a track, each of the master TOC portions each containing a predetermined number of consecutive sectors of the track " which was not exist in the original disclosure. The specification, page 6, lines 1-13 and page 7, lines 6-15 together with figure 4 discloses the structures of master TOC in general but does not provide the details to warrant this recitation.

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Claims 38,48,70 and 87 recites, "storing the sub-TOC portions such that each contains an integral number of consecutive sectors, a first of the consecutive positions of the sub-TOC starting at a predetermined track sector ". The specification, page 6, lines 1-13 and page 7, lines 6-15 together with figures 4 and 5 discloses relation between master TOC and sub-TOC but does not provide the details to warrant this recitation.

Claim 62 recites the combination of claims 36,46,38 and 48 which is rejection with the same reason set forth above.

Claims 66 and 82 recites " multiple copies of master TOC being stored in a respective consecutive portions of the unitary medium ". The specification, page 6, lines 1-13 and page 7, lines 6-15 together with figures 4 and 5 discloses relation between master TOC and sub-TOC but does not provide the details to warrant this recitation.

Claims 69 and 86 recites " multiple copies of sub TOC being stored in a respective consecutive portions of the unitary medium". The specification, page 6, line 14 to page 7, line 15 together with figures 4 and 5 discloses relation between sub-TOC, sectors and tracks but does not provide the details to warrant this recitation.

Claims 71 and 88 recites " the sub TOC copies each having a first of the consecutive sectors of the sub TOC starting at a predetermined portion of the track ". The specification, page 6,

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line 14 to page 7, line 15 together with figures 4 and 5 discloses relation between sub-TOC, sectors and tracks but does not provide the details to warrant this recitation.

Claim(s) 39,53-55,68,72-78,84,85 and 89, incorporate the new matter by virtue of their dependency thereon.

3) Claims 31-35,40-45,49-61,63-65,79-81,90-95 are allowed.

4) Applicant's arguments with respect to claims 31-95 have been considered but are moot in view of the new ground(s) of rejection.

5) Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAN X. DINH whose telephone number is (571)272-7586. The examiner can normally be reached on Monday-Friday from 8:00AM to 5:00PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TAN Xuan DINH
Primary Examiner
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